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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,342	11/20/2000	Fred S. Cook	1470	8608

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/13/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,342

Applicant(s)

COOK, FRED S.

Examiner

Khawar Iqbal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being unpatentable by Sawada (6421544).

3. Regarding claim 1 Sawada teaches a method of altering functionality of a device based on location, the method comprising, in combination (abstract, figs. 1-5):

when the device is in a given location, the device receiving a control signal associated with the given location (col.3, lines 45-67); and

in response to the control signal, changing the set of control logic so as to alter application-layer functionality of the device (col. 3, lines 45-67, col. 7, lines 30-65).

Regarding claim 2 Sawada teaches a method of altering operation of a device based on location, the device having a set of control logic that defines a first functional response to a first primitive, the method comprising, in combination (abstract, figs. 1-5):

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when the device is in a given location, the device receiving a control signal associated with the given location (col. 3, lines 45-67, col. 7, lines 30-65); and

in response to the control signal, changing the set of control logic so as to alter the first functional response to the first primitive (col. 3, lines 45-67, col. 7, lines 30-65).

Regarding claims 3,16 and 26 Sawada teaches wherein the first primitive comprises a predetermined signal structure received from a communications interface (col. 3, lines 45-67, col. 7, lines 30-65).

Regarding claims 4,17 and 26 Sawada teaches wherein the first functional response to the first primitive comprises presenting a first signal to a user, and wherein changing the set of control logic of the device so as to alter the first functional response to the first primitive comprises a function selected from the group consisting of (col. 3, lines 45-67, col. 7, lines 30-65): changing the set of control logic so as to disable the device from presenting the first signal to the user in response to the first functional primitive; and changing the set of control logic so as to cause the device to present a second signal to the user in response to the first primitive, instead of presenting the first signal to the user in response to the first primitive (col. 4, lines 9-21).

Regarding claims 5 and 18 Sawada teaches wherein the first signal comprises a signal selected from the group consisting of an audible signal and a visual signal (col. 2, line 66-col. 3, line 23).

Regarding claims 6 and 19 Sawada teaches wherein the predetermined signal structure represents a ring signal (col. 9, lines 50-60).

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Regarding claims 7,8 and 20,21 Sawada teaches wherein the first functional response to the ring signal comprises emitting an audible alert signal, and wherein changing the set of control logic so as to alter the first functional response comprises programming the device to not emit the audible alert signal in response to the ring signal (col. 9, lines 50-67, col. 10, lines 23-50, col. 12, lines 20-28).

Regarding claim 9 Sawada teaches further comprising: detecting presence of the device in the given location; and responsively sending the control signal to the device in the given location (col. 3, lines 45-67, col. 7, lines 30-65).

Regarding claims 10,11 and 22,23 Sawada teaches wherein the control signal comprises a key associated with a logic modification, the method further comprising: after receiving the control signal, the device correlating the key to the logic modification and then carrying out the logic modification so as to change the set of control logic (col. 13, lines 23-45).

Regarding claims 12,13 Sawada teaches further comprising undoing the alteration of the control logic after the device has exited the given location (col. 4, lines 10-22, col. 14, lines 33-47).

Regarding claims 14 and 15 Sawada teaches a method of altering operation of a device based on location, the device having a set of control logic that causes the device to employ a first predetermined primitive in carrying out a first function, the method comprising:

when the device is in a given location, the device receiving a control signal associated with the given location (col. 3, lines 45-67); and

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in response to the control signal, performing a function selected from the group consisting of (col. 3, lines 45-67, col. 7, lines 30-65):

changing the set of control logic so as to cause the device to employ a second predetermined primitive in carrying out the first function; and changing the set of control logic so as to cause the device to employ the first predetermined primitive in carrying out a second function (col.4, lines 9-27, 50-60, col. 10, lines 51-58, col. 10, lines 51-58).

Regarding claim 24 Sawada teaches a system for adapting device functionality based on location, the system comprising (abstract, figs. 1-5):

a device having a receiver and a processor, the receiver being arranged to receive a control signal associated with a given location, and the processor being programmed to execute a set of control logic so as to cause the device to carry out a first function in response to a first primitive (col. 3, lines 45-67, col. 12, lines 1-40); and

the processor being programmed to respond to the control signal by performing a function selected from the group consisting of (col. 3, lines 45-67, col. 7, lines 30-65):

changing the control logic so as to cause the device to carry out a second function in response the first predetermined primitive;; and changing the control logic so as to cause the device to carry out the first function in response to a second primitive (col. 4, lines 9-27, 50-60, col. 10, lines 51-58, col. 10, lines 51-58).

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Regarding claims 25,26 and 28,29 Sawada teaches further comprising a local transmitter emitting the control signal in the given location and a network entity programmed to send the control signal to the device when the device is in the given location.

Regarding claim 27 Sawada teaches a system for adapting device functionality based on location, the system comprising (abstract, figs. 1-5):

a local transmission system arranged to emit a control signal into a given location (col. 7, lines 30-50);

a device having a receiver and a processor, the receiver being arranged to receive the control signal, and the processor being programmed to execute a set of control logic so as to cause the device to employ a first predetermined primitive in carrying out a first function(col. 3, lines 45-67, col. 7, lines 30-65);

the processor being programmed to respond to the control signal by performing a function selected from the group consisting of (col. 3, lines 45-67, col. 7, lines 30-65):

changing the control logic so as to cause the device to employ a second predetermined primitive in carrying out the first function; and changing the set of control logic so as to cause the device to employ the first predetermined primitive in carrying out a second function (col. 4, lines 9-27, 50-60, col. 10, lines 51-58, col. 10, lines 51-58).

Regarding claim 30 Sawada teaches a device having location-based functionality, the device comprising:

a processor (CPU 18);

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a set of machine language instructions defining a first set of control logic and a second set of control logic, the device having a first mode of operation in which the processor executes the first set of control logic, and a second mode of operation in which the processor executes the second set of control logic (col.13, lines 21-44);

wherein, in response to a location-specific control signal received by the device, the device switches from the first mode of operation to the second mode of operation (col. 3, lines 45-67, col. 7, lines 30-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (6421544) and further in view of Bruzzone (6424839).

6. Regarding claims 31-37 Sawada does not specifically teach after receiving the control signal but before changing the set of control logic: the device prompting a user of the device for approval of changing the control logic and the device receiving a user response indicating whether or not the user approves. Sawada teaches a CPU of the portable telephone changes the operating mode

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from standby mode/call reception mode to sleep mode, when mode-switching signal is received. A warning message is displayed and warning ring is provided during call reception and call reception/transmission is stopped in the usage prohibition area, in sleep mode. The mode-switching signal is transmitted to the portable telephone carried by the user who enters the usage prohibition area. When mode-switching signal is received in sleep mode in portable telephone, the operating mode is reset to standby mode, when user came out of usage prohibition area.

In an analogous art, Bruzzone teaches the device prompting a user of the device for approval of changing the control logic and the device receiving a user response indicating whether or not the user approves (abstract, col. 3, lines 1-10). The location of the mobile unit allows the geographic zone to be determined and to tell the user more accurately whether the mobile phone is useable or not. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Sawada by specifically adding features in order to enhance system performance of approval of changing the control logic to increasing the efficiency of the system as taught by Bruzzone.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeda (6597895), Harris (6580372), Irvin (6556819), Yen (6539230), Root et al (6505123), Shanahan (6496692), Park et al (6490455),

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Steer et al (6343213) and Tanaka et al (6122486) teach programmed to send the control signal to the device when the device is in the given location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

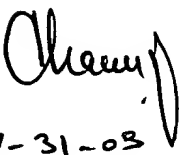
or faxed to:


(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal


7-31-03


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